



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 2, 2022

BY ECF

Hon. Valerie E. Caproni
Thurgood Marshall
United States Courthouse
40 Foley Square, Courtroom 443
New York, NY 10007

Re: *United States v. Williams, et al.* S3 21 Cr. 603 (VEC)

Dear Judge Caproni:

The Government writes pursuant to the Court's order, to provide a status report regarding the Government's production of discovery in this matter.

As the Court is aware, the Government previously provided the Court with an *ex parte* overview of the material it had collected related to its ongoing investigation. Below, the Government provides an update on its progress producing such discovery material to the defendants.

Certain Rule 16 Material and Certain Material Subject to Disclosure Obligations. The Government was granted permission by this Court to delay production of certain Rule 16 material (*e.g.* subpoena returns) and information subject to the Government's disclosure obligations (*e.g.* certain witness statements). Those materials were provided to the defendants today. The Government has also provided its disclosure letters to the Discovery Coordinator pursuant to the Court's direction.

Legal Process. Today, the Government produced applications for: (i) one Rule 41 premises search warrant; (ii) one Rule 41 search warrant for seven electronic devices; (iii) three Stored Communications Act search warrants for a total of nine email accounts; (iv) one Stored Communications Act search warrant for prospective location information associated with three cellphones; and (v) a § 2703(d) application for one email account. The production of legal process pertaining to the charged defendants is complete.

§ 2703(d) Returns. Today, the Government produced material it acquired pursuant to the § 2703(d) order mentioned above. Also produced today were § 2703(d) returns pertaining to other

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potential co-conspirators, which were not previously produced.¹ The production of this category of material pertaining to the charged defendants is complete.

Search Warrant Returns Containing Cellsite Location Information. The Government obtained prospective cellphone location information for cellphones associated with the three newly charged defendants. The Government anticipates completing its production of this material within two weeks.

Subpoena Returns. Today, the Government produced approximately 22 subpoena returns comprising approximately two gigabytes of data. A number of these subpoena returns were previously produced with certain redactions and today's production removed those redactions. The Government anticipates completing its production of subpoena returns concerning the charged defendants in its possession in approximately one week.

Subpoena Returns from Health Care Providers. The vast majority of these materials were previously produced. The handful of documents that remained were produced today. Accordingly, production of this material is complete.

Subpoena Returns from the Plan and Third-party Administrators ("TPAs"). In its April 1, 2022 letter, the Government stated it was reviewing approximately 50 additional documents from the TPAs, which are believed to be duplicates of documents already produced. Those documents were determined to be duplicates. In light of the addition of new defendants, the Government is reviewing the approximately 22 gigabytes of material obtained from the TPAs by searching those files for the last names of the newly added defendants and certain other co-conspirators. An initial search returned approximately 6,000 documents. Those materials are being reviewed. Assuming there are no logistical or technical delays with the Government's document vendor, the Government anticipates completing its production of responsive TPA materials in approximately two to three weeks.

Search Warrant Returns from Email Accounts. Since the first indictment was unsealed, the Government obtained search warrants on nine additional email accounts. Six of those email accounts are currently being reviewed on a document review platform provided by the Government's document vendor. A seventh email account has also been subject to a responsiveness review, without the assistance of tools provided by the Government's document vendor. It is anticipated that responsive materials as to those seven email accounts will be produced in approximately two to three weeks. Two other email accounts have not yet been processed by the Government's document vendor and thus the reviews of those two accounts have not yet begun. Although it is difficult to assess with certainty, due to potential logistical and technical delays, the Government is making efforts to have reviewed, and produced, materials from those two email accounts before the June 7, 2022 conference in this case. With the exception of

¹ These accounts were identified in § 2703(d) application and orders, which were previously produced to the defendants.

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Terrence Williams, no other defendants charged in the original indictment are believed to have used or controlled those nine accounts.²

Search Warrant Returns from Physical Devices. The Government obtained a search warrant on seven electronic devices used or controlled by defendant Aamir Wahab and/or his businesses. The review of these seven devices is in progress, and the Government anticipates producing to the defendants any responsive materials within the next two to three weeks. On April 27, 2022, pursuant to a search warrant, the FBI seized a cellphone from defendant Keyon Dooling's premises. That cellphone has not been extracted and, accordingly, it is difficult to assess when responsive materials from that cellphone will be produced. The Government will make all reasonable efforts to produce materials from that cellphone before the June 7, 2022 conference in this case.

Additional Materials. In its April 1, 2022, letter the Government indicated it would produce by today certain handwritten notes, which were used to create 302s regarding surveillance of certain individuals. Although the 302s themselves have been produced, some of the handwritten notes still have not yet been produced. The Government will continue to work with the FBI to collect those handwritten notes and will produce them after they have been collected. In addition, the Government will produce within approximately the next two weeks additional reports concerning arrests and surveillance of the newly charged defendants. The Government notes that today it produced certain materials it acquired from witnesses. Finally, the Government notes that it produced today post arrest statements from all defendants to enable the defendants to assess potential *Bruton* issues.

In total, today the Government produced approximately 19.2 gigabytes of uncompressed data (approximately 1,131 files and approximately 17,800 pages). To date, including today's production, the Government has produced a total of approximately 82 gigabytes of uncompressed data (approximately 10,658 files and approximately 556,800 pages) to the defendants. As indicated above, with respect to the outstanding materials, it is the Government's intention to make all reasonable efforts to complete its production of materials in advance of the June 7, 2022,

² With respect to the accounts used or controlled by a charged defendant, they will be produced in full to that defendant. The Government anticipates producing the account used by Williams to his counsel next week. The accounts used or controlled by the three newly charge-defendants will be produced to their counsel shortly after their counsel appear in this District and arrangements can be made.

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conference in this case. The Government requests that it be permitted to update the Court, and the parties, on June 3, 2022, concerning its progress toward achieving that goal.

The Government is available to address any questions the Court may have.

Respectfully submitted,

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